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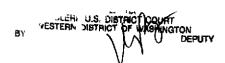
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Hon Barbara J Rothstein



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CLERK U.S. DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

DEPUTY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

MDL Docket No 1407

ORDER CLARIFYING APRIL 21, 2003 ORDER GRANTING DELACO'S MOTION FOR 90 DAY STAY IN CERTAIN CASES

This Court previously entered an Order on April 21, 2003 granting a motion brought by The Delaco Company, successor by merger to Thompson Medical Company, Inc ("Delaco"), for a 90 day stay in certain cases ("Stay Order") that were subject to a Rehabilitation Order entered in the Superior Court of New Hampshire as to one of Delaco's insurers, The Home Insurance Company ("Home") The Stay Order, as entered, applies to cases subject to or potentially subject to the Rehabilitation Order

Defendant Chattem, Inc ("Chattem") filed a Motion to Clarify the Stay Order requesting that discovery proceed in accordance with this Court's CMOs until such time as a plaintiff identifies a product covered by and alleges a date of injury or ingestion during the period of Delaco's policy of insurance with Home Chattem argued that the stay should not

ORDER CLARIFYING APRIL 21, 2003 ORDER GRANTING DELACO'S MOTION FOR 90 DAY STAY IN CERTAIN CASES - 1 (MDL Docket No 1407)

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affect proceedings that apply to all MDL PPA cases, to plaintiffs that have identified products or dates of injury or ingestion not covered by the Home policy, or to plaintiffs who have failed to identify enough information for one to determine whether or not Delaco's Home policy applies

For good cause shown, this Court's April 21, 2003, Order Granting Delaco's Motion for 90 Stay in Certain Cases is hereby clarified as follows

Orders entered in these matters shall proceed as to all plaintiffs until such time that a plaintiff has identified products covered by and dates of injury or ingestion during the period of Delaco's policies of insurance with The Home Insurance Company. Once it is determined that a particular plaintiff's claim is subject to the Rehabilitation Order for Home, that plaintiff's claim is stayed pursuant to this Court's April 21, 2003 Order Granting Delaco's Motion for 90 Day Stay in Certain Cases. Delaco shall be required to identify for the Court all plaintiffs presently subject to the Stay Order and, to the extent that information is gathered that identifies additional plaintiffs' cases that are subject to the Stay, Delaco shall lodge a Stay Order for those particular cases, which shall be entered by this Court, unless proper objection is made thereto

DATED this 12th day of May, 2003

UNITED STATES DISTRICT COURT JUDGE BARBARA JACOBS ROTHSTEIN

ORDER CLARIFYING APRIL 21, 2003 ORDER GRANTING DELACO'S MOTION FOR 90 DAY STAY IN CERTAIN CASES - 2 (MDL Docket No. 1407)

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		* ***

PRESENTED BY Rodney L Umberger WSBA #24948 (MDL Counsel) and MILLER & MARTIN, LLP C Crews Townsend 832 Georgia Avenue, Suite 1000 Chattanooga, TN 37402-2289 (National Coordinating Counsel) Attorneys for Defendant Chattem, Inc 

> ORDER CLARIFYING APRIL 21, 2003 ORDER GRANTING DELACO'S MOTION FOR 90 DAY STAY IN CERTAIN CASES - 3 (MDL Docket No 1407)

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